REMARKS

This amendment is in response to the final Office Action (Paper No. 3) dated January 25, 2006. Reconsideration is respectfully requested.

Status of Claims

Claim 1 through 20 are pending. Claim 12 is rejected under 35 U.S.C. §102(b) as being anticipated by McVoy (U.S. Patent Number 3,684,823).

Claims 14 and 15 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over McVoy (U.S. Patent Number 3,684,823).

Claims 1 through 11 are allowed. Claims 13 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's indication of allowability of claims 1 through 11.

Rejection of Claim 12 under 35 U.S.C. §102(b)

Claim 12 is rejected under 35 U.S.C. §102(b) as being anticipated by McVoy (U.S. Patent Number 3,684,823). Applicant traverses the Examiner's rejection for the following reasons.

In support of the rejection, the Examiner wrote:

> "McVoy discloses a television communication system comprising a television receiver apparatus (see fig 3, col 2 lines 32-34). McVoy further discloses the television receiver includes a R.F. tuner 94 which is adjustable to selectively receive video signals

representing a program of video images.
McVoy further discloses the received cable television video signals transmitted from the headend include control signals (see Abstract, col 1 lines 60-67, col 7 lines 3-57). It is noted that the control signals meet the claimed "discretionary control data".
McVoy further discloses the headend transmits two control signals, a 20 cycle signal and 30 cycle signal. The received 30 cycle results in a low voltage 60 cycle signal which disables the output signal (see col 7 lines 40-46).
The control signals are detected by FM discriminator 122 and control circuitry 132 (see fig 3, col 7 lines 19-45) and thus McVoy discloses the claimed "viewing restricting stage detecting said discretionary control data" as claimed.
McVoy further discloses the 60 cycle control signal blocks the AGC when the cycle in above the 20 cycle threshold (see col 6 lines 45-68, col 7 lines 3-17)."

Applicant submits that the Examiner's statement that "McVoy further discloses the 60 cycle control signal blocks the AGC when the cycle in above the 20 cycle threshold (see col 6 lines 45-68, col 7 lines 3-17)" is in error. The Examiner interprets the teaching of McVoy '823 in hindsight from Applicant disclosure. In fact, a scheme for blocking the automatic gain control (AGC) signal is ***not necessary*** in McVoy '823 to make the system unuseable, and accordingly, McVoy '823 does not disclose "a viewing restricting stage . . . blocking ***automatic gain control signals*** for said tuner receiving the program when the discretionary control data is greater than a discretionary threshold" as is defined by Applicant's claim 12. Consequently, "the invention" contemplated by 35. U.S.C. §102(b) is absent from McVoy '823. Applicant would like to explain why blocking AGC signal is not necessary in McVoy '823 based on teaching of McVoy '823.

In McVoy '823, the control signal (20 cycle signal) modulates audio carrier.[1] FIG. 1 of McVoy '823 shows elements that process video and audio signals. A 20 cycle signal is injected into an audio signal through audio mixer 24.[2] McVoy '823 teaches "the output on conductor 28 consists of the mixed audio input and the 20 Hz audio tone."[3]

FIG. 3 of McVoy '823 shows a tuner 94 that receives video information, audio information and the 20 cycle control signal.[4] The video signal is sent to CRT 114 through video detector 104, and the audio signal is sent to a loudspeaker 128 through I.F. amplifier 106.[5] In other words, the video and audio signals are split, and are separately applied to CRT 114 and loudspeaker 128, respectively. The audio signal is carried over conductor 130 to control circuitry 132, and the output signal from control circuitry 132 is connected to cathode 112 of CRT 114.[6]

FIG. 3 of McVoy '823 shows AGC 116 controlling a video amplifier 110, which is arranged in a path of the video signal from video detector 110, while the 20 cycle signal is carried by audio signals and spilt to the FM discriminator 122 and to the control circuitry 132. The Examiner erroneously interprets FM discriminator 122 and control circuitry 132 of McVoy '823 as "a viewing restricting stage" set forth in Applicant's claim 12. Control circuitry 132 controls

---

1 McVoy '823, Abstract, lines 2-4.

2 McVoy '823, col. 3, lines 6-9.

3 McVoy '823, col. 3, lines 11-12.

4 McVoy '823 , col. 4, lines 12-16.

5 McVoy '823, col. 4, lines 22-35.

6 McVoy '823, col. 4, lines36-41.

application of the 60 cycle signal. McVoy '823 teaches that "[i]f no 20 cycle control signal is received . . . The 60 cycle is then applied to 1st IF (shown in FIG. 6) as a disabling signal."[7]

Regarding how the 60 cycle signal makes the system unuseable, McVoy '823 further teaches "[s]ince the cathode or emitter, as the case may be, of the IF amplifier is normally only d.c. biased, the effect of the applied a.c. signals will be ***to amplitude modulate the amplifier*** with 60 cycles. Consequently there will be a strong ***amplitude modulation of the AM video IF signal as well as an amplitude modulation of the FM sound IF signal***. The picture on the CRT 114 will, therefore, be severely modulated with a 60 cycle hum and will be unuseable."[8]

Therefore, McVoy '823 ***does not teach blocking any signal, but teaches modulating*** an amplifier in order to make the system unuseable. Control circuitry 132, which the Examiner interprets as "a viewing restricting stage" set forth in claim 12, applies a 60 cycle signal to an amplifier, and the 60 cycle signal modulates the amplifier to make the system unuseable. Output from control circuitry 132 is connected to cathode 112 of CRT 114 as shown in FIG. 4 of McVoy '823.[9] Nowhere does McVoy '823 teach that the control circuitry 132 blocks AGC signals in order to make the system unuseable. Applicant submits therefore, that the assertion by the Examiner that McVoy '823 either teaches or suggests Applicant's blocking automatic gain control signals for said

---

7 McVoy '823 , col. 6, lines 50-54.

8 McVoy '823, col. 6, lines 54-62.

9 McVoy '823, col. 4, lines 40-41.

tuner[10] is fantasy derived from an impermissible hindsight reconstruction of the art in the light provided by Applicant along. Accordingly, there is no anticipation of "the invention" defined by Applicant's claim 12 by McVoy '823, and this rejection may not be maintained.

Applicant submits that the Examiner interprets teaching of McVoy '823 with hindsight. McVoy '823 teaches "[c]onsequently there will be a strong amplitude modulation of the AM video IF signal as well as an amplitude modulation of the FM sound IF signal. The ***picture*** on the CRT 114 will, therefore, be severely ***modulated*** with a 60 cycle hum and will be unuseable."[11] McVoy '823 teaches that the CRT is unuseable because the picture on the CRT is modulated. The teaching of McVoy '823 doesn't indicate that video signal is blocked, but rather teaches the converse, namely that the AGC signal is supplemented by the addition of a signal alternating at a frequency with is several orders of magnitude higher than the time constant of the automatic gain control circuit. Video signals are still applied to the CRT but are highly modulated. The reason why the CRT is unuseable is that human eyes can not recognize a picture on the CRT that is modulated with a 60 cycle hum.

In the argument, the Examiner states "[i]t is clear that since the order of the automatic gain control is five seconds, the AGC can not respond to the 60 cycle signal. In other words, the AGC

---

[10] Applican'ts claim 12 reads, in part, "a viewing restricting stage . . . blocking automatic gain control signals for said tuner . . ."

[11] McVoy '823, col. 6, lines 58-62.

can not respond to a 60 cycle signal, the receiver is not useable since the AGC is blocked."[12] Applicant submits that the Examiner's assertion is wholly contrary to the teaching of McVoy '823 , and is not supported by teaching of McVoy '823. The Examiner interprets the teaching of McVoy '823 stating "AGC can not respond to a 60 cycle signal" as meaning "the AGC is blocked." The Examiner is respectfully requested to provide ***factual evidence*** supporting the Examiner's assertion from teaching of McVoy '823 or from other sources available to establish Applicant's "blocking automatic gain control signals . . ."

McVoy '823 teaches "the time constant in the automatic gain control circuit is of the order of five seconds and ***as a result*** the AGC arrangement will be unable to respond to the 60 cycle signal."[13] A time constant of a device determines a response speed of the device. If a time constant of a AGC is of the order of five seconds, the AGC can only respond to a signal whose frequency is less than 0.2 Hz (1 / 5 second = 0.2 Hz). In this case, if frequency of a signal is higher than 0.2 Hz, the AGC can not catch the signal. Therefore, the AGC of McVoy '823 can not respond to any signal whose frequency is higher than around 0.2 Hz. Frequency of a 60 cycle signal (60 Hz) and frequency of 20 cycle signal (20 Hz) is much higher than 0.2 Hz. Therefore, the AGC of McVoy '823 is not able to respond to any one of the 60 cycle and 20 cycle signal.

The teaching of McVoy '823 stating that the time constant of AGC is of the order of five seconds is a fact. Applicant submits that the Examiner attempts to ignore the teaching of McVoy '823 by merely asserting that the AGC is blocked because the AGC can not respond to the 60 cycle

---

[12] Office Action (Pare No. 3), page 3.

[13] McVoy '823, col. 6, lines 63-66.

signal, but not providing any factual evidence. The Examiner is respectfully requested to clearly point out where McVoy '823 teaches that AGC is blocked because the AGC can not respond to the 60 cycle signal. The Examiner is also requested where McVoy '823 discloses "a viewing restricting stage . . . blocking automatic gain control signals for said tuner receiving the program when the discretionary control data is greater than a discretionary threshold" as set forth in claim 12.

In the argument, the Examiner states that "[i]f by chance Applicant reasoning is correct, . . ., that the AGC is not affected by the 60 cycle signal, then how is the receiver useable at a 20 cycle signal?"[14] Applicant submits that McVoy '823 provides an answer to the Examiner's question by teaching "[w]hen the 20 cycle control signal is received causing an output on the inverter 160 the switching transistor 162 becomes non-conducting, resulting in normal operation of the receiver."[15] As shown in FIG. 6 of McVoy '823, if the switching transistor 162 becomes non-conducting, the 60 cycle signal can not flow into the switching transistor 162, and therefore, can not flow into the amplifier (1st IF shown in FIG. 6). Therefore, there is no 60 cycle signal applied to the amplifier, and there is no amplitude modulation in the amplifier. Accordingly, the system is useable.

The Examiner states "[i]n other words if the AGC is only responsive to the time constant

---

14 Office Action (Pare No. 3), page 3.

15 McVoy '823, col. 6, line 66 - col. 7, line 2.

of the order of five seconds, then it would not matter if the cycle is 20 or 60. This is not the case since . . ."[16] Applicant would like to answer that it would not matter if the cycle is 20 or 60, because McVoy '823 does not teach blocking AGC signal but instead teaches modulating the amplifier at a specialized frequency in order to make the system unuseable. Therefore, even if the AGC of McVoy '823 does not respond to the 20 cycle modulation, it would not matter, and the system becomes useable. In this argument, the Examiner appears to doubt the teaching of McVoy '823 by stating "if the AGC is only responsive to the time constant of the order of five seconds, . . . This is not the case . . ." The Examiner is requested to provide ***factual evidence*** from among the teachings of McVoy '823 to demonstrate support for the Examiner's assertion in this argument.

In the argument, the Examiner wrote in part "McVoy teaches the system is useable when 20 cycle control signal is received and not useable when a 60 cycle is received resulting in blocking of the AGC."[17] Applicant submits that the Examiner's interpretation of teaching of McVoy '823 is in error. As shown in FIG. 6 of McVoy '823, the 60 cycle signal is blocked from being sent to the CRT 114 when ***a 20 cycle control signal*** is received to the inverter 160,[18] and the 60 cycle signal is applied to the CRT 114 when there is ***no 20 cycle control signal.***[19] The 20 cycle control signal is ***a control signal*** that controls the application of the 60 cycle signal, and the

---

16 Office Action (Pare No. 3), page 3.

17 Office Action (Pare No. 3), page 4.

18 McVoy '823, col. 6, lines 66-67.

19 McVoy '823, col. 6, lines 50-54.

60 cycle signal is ***a disabling signal*** that is applied to the CRT to make the CRT unuseable.[20] Under the Examiner's reasoning interpreting the 20 cycle signal as "a discretionary threshold" of claim 12, McVoy '823 teaches that the system is useable when there is ***a threshold***, and the system is not useable when there is ***no threshold***, while claim 12 recites "a viewing restricting stage . . . blocking automatic gain control signals for said tuner receiving the program when the discretionary control data ***is greater than*** a discretionary threshold."

In the argument, the Examiner wrote in part "McVoy teaches the system is useable when 20 cycle control signal is received and not useable when a 60 cycle is received resulting in blocking of the AGC. The Examiner reiterates the threshold is a 20 cycle control signal. Absent any recitation of comparing to determine if a threshold is met, McVoy teaches the claimed limitation."[21] Applicant submits that the Examiner's assertion is still in error.

The Examiner interprets both of a 20 cycle control signal and a 60 cycle signal as "a discretionary control data" of claim 12, and interprets a 20 cycle control signal as "a discretionary threshold" of claim 12. The 60 cycle signal, however, can not be interpreted as "a discretionary control data" as set forth in claim 12 for the following reason, and therefore McVoy '823 does not teach the feature reciting "when the discretionary control data is ***greater than*** a discretionary threshold" as set forth in claim 12.

Supporting the rejection of claim 12, the Examiner interprets FM discriminator 122 and

---

20 McVoy '823, col. 6, lines 50-54.

21 Office Action (Pare No. 3), page 4.

control circuitry 132 of McVoy '823 as "a viewing restricting stage" of claim 12, and interprets a tuner 94 of McVoy '823 as "a tuner" of claim 12. Claim 12 reads "a viewing restricting stage ***detecting said discretionary control data*** of the program received through said tuner and blocking . . . when the ***discretionary control data*** is greater than a discretionary threshold."

McVoy '823 teaches that a 60 cycle signal is ***a disabling signal*** that is applied to CRT 114 to make the CRT unuseable.[22] The 60 cycle signal is ***not a control signal***. The 60 cycle signal is neither carried by audio signal nor detected by FM discriminator 122 and control circuitry 132. Nowhere does McVoy '823 disclose that FM discriminator 122 and control circuitry 132 detects the 60 cycle signal. Nowhere does McVoy '823 disclose that the 60 cycle signal is received through a tuner 94. If the 60 cycle signal is interpreted as "a discretionary control data" greater than a discretionary threshold, which the Examiner asserts, FM discriminator 122 and control circuitry 132 of McVoy '823 can not be interpreted as "a viewing restricting stage" set forth in claim 12, and tuner 94 of McVoy '823 can not be interpreted as "a tuner" set forth in claim 12, because FM discriminator 122 and control circuitry 132 of McVoy '823 can not detect the 60 cycle signal, and tuner 94 of McVoy '823 can not receive the 60 cycle signal. The Examiner's assertion is self-contradictory.

Applicant submits that the Examiner failed to provide factual evidence that McVoy '823 teaches "a viewing restricting stage" set forth in claim 12, and therefore, there is no anticipation. Withdrawal of the rejection is respectfully requested.

---

22 McVoy '823, col. 6, lines 50-54.

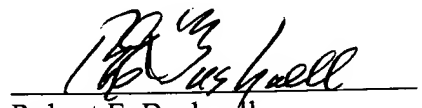
Rejection of Claims 14, 15 and 20 under 35 U.S.C. §103(a)

Claims 14, 15 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over McVoy (U.S. Patent Number 3,684,823). Claims 14, 15, and 20 depend from claim 12, and Applicant traverses the Examiner's rejection of claim 12. Applicant believes claim 12 is patentable over the cited reference. Withdrawal of the rejection of claims 14, 15, and 20 is respectfully requested.

No fee is incurred by the filing of this amendment.

In view of the above, all claims are submitted to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040

Folio: P56319
Date: 3/24/06
I.D.: REB/YJK